

FINAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 86000(a)

Specific Purpose:

This section is adopted to introduce a new children's residential facility category "Transitional Housing Placement Program (THPP)" and to make clear that this category is also governed by Title 22 Division 6, Chapter 1, General Licensing regulations.

Factual Basis:

The addition of Section 86000(a) is necessary to introduce a new children's residential facility category THPP created by Health and Safety Code Section 1559.110. It is further necessary to make clear that these facilities are also governed by Title 22 Division 6, Chapter 1, General Licensing regulations.

Section 86001(a)(1)

Specific Purpose:

This section is adopted to define the term "Administrative Office" to specify the office that will be licensed by the Department as a THPP to provide transitional housing services.

Factual Basis:

The adoption of this section is necessary to specify the "administrative office" component of the THPP is the component that is licensed by the Department as the facility for the purpose of conducting annual and other visits in accordance with Health and Safety Code Section 1534(a)(1)(A).

Section 86001(b) (Reserved)

Section 86001(c)(1)

Specific Purpose:

This section is adopted to define the term "Certificate of Approval."

Factual Basis:

This section is necessary to specify the document that establishes the county approval as a condition of licensure according to Welfare and Institutions Code Section 16522.1.

Section 86001(c)(2)

Specific Purpose:

This section is adopted to define the term "Certificate of Compliance."

Factual Basis:

This section is necessary to specify the document generated and retained by the THPP to establish that "participant living units" are certified by the THPP as meeting the requirements of Health and Safety Code Section 1501(b)(5). Adding this regulation ensures that the participants are placed in a safe living unit that meets the standards required.

Section 86001(d)(1)

Specific Purpose:

This section is adopted to define the term "Department Approved County THPP Plan."

Factual Basis:

The adoption of this regulation is necessary to comply with Welfare and Institutions Code Section 16522.5 that requires the county to obtain a plan approved by the Department before actively participating in the screening and supervision of transitional housing placement programs.

Section 86001(e) (Reserved)

Section 86001(f) (Reserved)

Section 86001(g) (Reserved)

Section 86001(h)(1)

Specific Purpose:

This section is adopted to define the term "Host County."

Factual Basis:

The adoption of this section is necessary to define a "host county" and the role of host counties regarding THPPs. A host county does not have a Department-approved plan, but may give permission for a licensee in an adjacent county to provide services in the host county. This section is necessary to ensure that participants in a THPP are given every opportunity to live, work, or attend school in areas other than where the THPP is located.

Section 86001(h)(2)

Specific Purpose:

This section is adopted to define the term "Host County Letter."

Factual Basis:

The adoption of this section is necessary to define a "host county letter" and why it is needed. A host county letter is required when a licensed THPP in one county wishes to provide services in an adjacent county that does not have a Department-approved plan, as required by Welfare and Institutions Code Section 16522.5. The adjacent county without a plan must authorize the THPP to operate in its county. This authorization is evidenced by a "host county letter." Without this letter the THPP can not operate in the adjacent county.

Section 86001(i)(1)

Specific Purpose:

This section is adopted to define the term "Independent Living Program (ILP)."

Factual Basis:

The adoption of this section is necessary to explain the requirements for the county's independent living program (ILP). The Department must approve a county's ILP before it will approve the county's transitional housing placement program. An approved county's ILP states that the county will be supported of the transitional housing placement program and will meet the requirements of the Welfare and Institutions Code Section 16522.5.

Final Modification:

This section is amended to clarify who the Independent Living Program is assisting to transition from court dependency to independent living. The reference to the U. S. Code is also clarified.

Sections 86001(j) through (q) (Reserved)

Section 86001(r)(1)

Specific Purpose:

This section is adopted to define the term "Remote Site Model."

Factual Basis:

This section is necessary to distinguish the unique elements of a "remote site model" from other models of a THPP. Welfare and Institutions Code Section 16522(d)(3) states that a transitional housing placement program that has participants living independently in an apartment rented or leased by a licensee under the supervision of the licensee must have prior approval from the California Department of Social Services.

Section 86001(s)(1)

Specific Purpose:

This section is adopted to define the term "Single Housing Unit."

Factual Basis:

The adoption of this section is necessary to specify the type of units the licensee should acquire for the participants in the program, and distinguishes the units for single individual(s) from group care. Health and Safety Code Section 1559.110 states that participants may live in an apartment, single-family dwelling, or condominium. These units are defined to clarify that they are subject to inspection by licensing agency representatives and comply with the California Code of Regulations, Title 22.

Section 86001(s)(2)

Specific Purpose:

This section is adopted to define the term "Sub-Administrative Office."

Factual Basis:

The adoption of this section is necessary to distinguish between the administrative office and the sub-administrative office. The licensing agency licenses sub-administrative offices when the administrative office is located in a different county that has a Department-approved county THPP plan or the administrative office is more than two hours driving distance from the participant living unit.

#### Section 86001(t)(1)

##### Specific Purpose:

This section is adopted to define the term "Transitional Housing Placement Program (THPP)" and outlines the licensed and certified components of the program.

##### Factual Basis:

This section is adopted to comply with Welfare and Institutions Code Section 11400(r), which defines the term "Transitional Housing Placement Program (THPP)." This is necessary to distinguish the difference between THPPs and the other programs that the Department regulates. A licensee who operates a THPP should understand what type of children the program serves and what the program is designed to accomplish. This is described in Health and Safety Code Section 1559.110(b) which in part states, "Transitional housing placement programs shall provide supervised housing services to persons who are at least 16 years of age and not more than 18 years of age." It is necessary to distinguish between the licensed and certified components of the THPP program to further clarify the fact that the Department issues licenses and the THPP issues certifications.

#### Section 86001(t)(2)

##### Specific Purpose:

This section is adopted to define the term "Transitional Housing Placement Program-Plus (THPP-Plus)."

##### Factual Basis:

This section is necessary to define a transitional housing placement program not licensed by the Department, but, certified by counties to provide housing and supportive services, as needed, to THP-Plus tenants and THP participants who are aged 18 to 21 pursuant to Welfare and Institutions Code Section 11403.2(a)(2).

#### Section 86001(t)(3)

##### Specific Purpose:

This section is adopted to define the term "Transitional Housing Placement Program (THPP) Participant."

##### Factual Basis:

The adoption of this section is necessary to identify a term used throughout these regulations. It identifies the person(s) as stated in Health and Safety Code Section 1559.110 who is eligible to be in a transitional housing placement program.

Sections 86001(t)(4) and Handbook Sections 86001(t)(4)(A) through (C)

Specific Purpose:

These sections are adopted to define the term "Transitional Housing Placement Program (THPP) Participant Living Unit."

Factual Basis:

This section is necessary to specify the types of living units that THPPs will provide for its participants as noted in Health and Safety Code Section 1559.110(d). These living units are where the participants live and shall be inspected by the licensing agency to ensure compliance to the regulations. Handbook is provided to assist users in identifying the specific types of living units.

Final Modification:

Handbook Section 86001(t)(4)(B) quoting Health and Welfare Code Section 1559.110(d)(2) and Welfare and Institutions Code Section 11400(r) at the end of the section, misidentified as (q), have been corrected to quote the actual language of the sections.

Section 86001(t)(5)

Specific Purpose:

This section is adopted to define the term "Transitional Housing Placement Program (THPP) Staff Residential Unit."

Factual Basis:

This section is necessary to specify the units where staff resides when caring for the participants in the THPP. These units are rented or leased by the licensee and are accessible to the participants in the transitional housing placement program. "THPP Staff Residential Units" may be inspected by the licensing agency.

Section 86001(t)(6)

Specific Purpose:

This section is adopted to define the term "Transitional Independent Living Plan (TILP)."

Factual Basis:

This section is necessary to be consistent with Health and Safety Code Section 1559.110 and Welfare and Institutions Code Section 16522 that require the Department to develop regulations that govern transitional housing placement programs. This regulation is adopted to comply with federal law at 42 U.S.C. Section 677 that requires a transitional independent living plan to be completed by counties for participants being placed in the transitional housing placement program.

Section 86005(a)(1)

Specific Purpose:

This regulation is adopted to specify the requirements of licensure for operating a THPP.

Factual Basis:

This regulation is necessary to comply with Health and Safety Code Section 1559.110(a) that requires the Department to license transitional housing placement programs.

Section 86005(a)(2)

Specific Purpose:

This regulation is adopted to specify the criteria by which certain THPPs are exempt from licensure.

Factual Basis:

This regulation is necessary to comply with Health and Safety Code Sections 1559.110(c) and (e) that exempts from licensure programs designed for eligible former foster/probation youth 18 years or older. These specific programs are certified and supervised by counties.

Sections 86009(a), (b), and (c)

Specific Purpose:

These regulations require that the facility license be posted and readily accessible in the administrative office, upon request by the licensing representative. A photocopy of the current license is also required in sub-administrative offices and in functioning THPP staff residential units.

Factual Basis:

These regulations comply with Health and Safety Code Section 1559.110 that requires that the facility be licensed. This is necessary for the licensing agency representative and the public to verify that the facility is licensed.

Sections 86010 through 86010(a)(1) and (2) NEW

Specific Purpose:

These regulations are adopted to set standards for a person who is permitted to reside in a THPP living unit.

Factual Basis:

These regulations are necessary to comply with Health and Safety Code Section 1559.110(b) that requires supervised housing services to be provided to participants 16 years of age and no more than 18 years of age, except as provided in Welfare and Institutions Code Section 11403. This regulation is also necessary to clarify who is permitted to reside in THPP facilities.

Final Modification:

Section 86010(a)(1) is amended to correctly identify persons approved by the licensee and a new (a)(2) included to clarify that other persons, as authorized by the Department's Community Care Licensing Division, may live in the remote site as described in Health and Safety Code Section 1559.110(d)(3).

Sections 86018 (title) and (a)

Specific Purpose:

This regulation adopts Article 3. (Application Procedures) and the chapter title (Application for Licensure). Section 86018(a) is adopted to specify that the applicant must submit a THPP plan that includes mandated statutory provisions to the county department of social services or the county probation department for approval, prior to applying for a license.

Factual Basis:

These regulations are necessary to format the regulations in a logical sequential order and to meet the requirements of, and to be consistent with, Welfare and Institutions Code Sections 16522 and 16522.1 that specify certain criteria for the applicant for licensure to gain approval from the county prior to submitting their application to the Department.



Final Modification:

This section is amended to correct an erroneous reference citation to Welfare and Institutions Code Sections 16522 and 16522.1.

Sections 86018(b)(1) and (b)(2)

Specific Purpose:

These regulations are adopted to specify the criteria by which a Transitional Housing Placement Program shall apply for licensure when a county has a Department- approved THPP plan.

Factual Basis:

The adoption of these regulations is necessary to comply with Welfare and Institutions Code Section 16522 that specifies that THPP facilities must be licensed. These regulations clarify the application process that the licensee must meet to obtain a license from the Department.

Sections 86018(b)(3) through (b)(3)(B)

Specific Purpose:

These regulations are adopted to specify the criteria by which a transitional housing placement program shall operate in a county without a Department-approved THPP plan.

Factual Basis:

These regulations are necessary to meet the Administrative Procedures Act "clarity" and "consistency" standards in Government Code Sections 11349(c) and (d), respectively. These regulations are necessary to clarify for those counties that do not have a Department-approved THPP plan that they can still provide services under certain conditions as specified in regulation.

Final Modification:

Section 86018(b)(3)(A) is amended to include the word “host” to clarify that a host county letter is required authorizing the THPP provider to provide services in that “host” county.

Section 86018(a)(4)and Handbook Sections 86018(a)(4)(A) through (C)

Specific Purpose:

This regulation is adopted to specify that the applicant: must submit a "Certificate of Approval" from the county department of social services or the county probation department approving the applicant's plan of operation and verifying the criteria specified in

the county's THPP plan along with the application to the Department. Handbook is added to assist users.

Factual Basis:

This section is necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522.1 that specifies certain criteria that the applicant for licensure must provide to gain approval from the county prior to submitting their application to the Department. The handbook sections cite the code sections for ease of use.

Final Modification:

This section is amended to correct an erroneous reference citation to Welfare and Institutions Code Sections 16522 and 16522.1 and removes an additional unnecessary reference to the same section. In addition, handbook corrections are made to the language misquoting and to the reformatting of Welfare and Institutions Code Section 16522.1 and replacing the capital “C” with a lower case “c” for Welfare and Institutions Code Section 16522.5

Sections 86020, et seq.

Specific Purpose:

This section is adopted to ensure that an appropriate fire clearance is obtained when necessary.

Factual Basis:

This section is necessary to ensure client safety as required by Health and Safety Code Section 1501(b)(5). This regulation is necessary to meet the Administrative Procedures Act "clarity" and "consistency" standards in Government Code Sections 11349(c) and (d), respectively. This regulation clarifies that with non-ambulatory individuals participating in the program, applicants for licensure or current licensees shall obtain an appropriate fire clearance from the fire authority having jurisdiction.

Final Modification:

Section 86020(a) is amended to make the lead-in language more understandable and Section 86020(b)(1) is amended to replace the term “ex-participants” with “persons” for clarity.

Sections 86022, et seq.

Specific Purpose:

These sections are adopted to specify the criteria necessary for the development of a "plan of operation" for a transitional housing placement program.

Factual Basis:

These sections are necessary to be consistent with Health and Safety Code Section 1559.110(f)(1) and Welfare and Institutions Code Section 16522 that require the Department to develop regulations that govern transitional housing placement programs. These regulations are necessary to specify the criteria for a plan of operation that includes how the facility will operate, supervise the participants, and meet the needs of the participants.

Final Modification:

Section 86022(a)(4)(I) is amended to clarify that the program statement in the Plan of Operation include the consequences for those participants who may be unwilling or unable to meet their financial obligations or whose behavior is disruptive and infringes on the rights of other participants in the program. New Section 86022(a)(6) is being adopted, as a result of testimony received, to clarify that separate rules and program design are necessary in the Plan of Operation for youth in foster care and for youth no longer in the foster care system but who are participating in the THPP pursuant to Health and Safety Code Section 1559.110(f)(2)(A).

Sections 86023 et seq.

Specific Purpose:

These sections are adopted to specify the necessary requirements for a THPP emergency plan.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Health and Safety Code Section 1559.110 and Welfare and Institutions Code Section 16522 that require the Department to license and develop standards for transitional housing placement programs. The adoption of these sections is necessary to require the licensee to develop standards that ensure the safety of staff and clients in the event of an emergency consistent with Health and Safety Code Section 1501(b)(5).

Section 86024(a)

Specific Purpose:

This regulation is adopted to specify the criteria for a licensee when placing a participant in a remote site living unit.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522(d)(3). This regulation is necessary to specify that the licensee must receive approval from the Department before placing a participant in a remote site living unit.

Final Modification:

This section has been amended to correctly identify the sections cited.

Sections 86024(b) and (b)(1)

Specific Purpose:

These regulations are adopted to specify that the licensing agency, after considering a written plan submitted by the licensee, shall have the authority to approve a remote site that ensures the health and safety of the participant.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522(d)(3) that requires the Department to approve remote site living units. These regulations are necessary for the licensee to ensure the health and safety of the participants in a remote site living unit as required by Health and Safety Code Section 1501(b)(5).

Sections 86024(b)(2) and (b)(2)(A) and (B)

Specific Purpose:

These regulations specify the requirements for the written plan that is used by the Department to approve remote site living units.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Sections 16522(d)(3) and 16522.1(a) and (b). These

regulations are necessary to ensure the licensee in the development of this plan protects the health and safety of the participant and considers the participant's characteristics and maturity level and other specified requirements.

Sections 86024(c) through (c)(2)

Specific Purpose:

These regulations are adopted to clarify that the Department has 30 days to specify any deficiencies and deny or approve the written plan for a remote site model.

Factual Basis:

These regulations are necessary to be consistent with Health and Safety Code Section 1559.110(a) and Welfare and Institutions Code Sections 16522(a) and (d)(3). These regulations are necessary to set a time limitation for the Department in processing a request for a remote site living unit.

Sections 86024(d) through 86024(g)

Specific Purpose:

These regulations are adopted to establish procedures when the Department denies a written request for a remote site living unit.

Factual Basis:

These regulations are necessary to be consistent with Health and Safety Code Section 1559.110(a) and Welfare and Institutions Code Sections 16522(a) and (d)(3). The regulations are necessary to clarify that when a written request is denied at a level lower than the Regional Manager, the applicant has the right to appeal the decision, in writing, to a higher level up to the Program Administrator.

Sections 86028 et al.

Specific Purpose:

These sections are adopted to establish standards for determining capacity in transitional housing placement programs.

Factual Basis:

These sections are necessary to be consistent with Health and Safety Code Section 1559.110(a) and Welfare and Institutions Code Section 16522(a) and that require the Department to develop regulations and license transitional housing placement programs.

These sections are necessary to establish licensing standards for capacity in transitional housing placement programs and to ensure that the capacity is specified on the license. This helps to ensure safety as mandated by Health and Safety Code Section 1501(b)(5).

Sections 86030.5(a) and (b)

Specific Purpose:

These regulations are adopted to require the Administrator or responsible designee to complete and sign the certificate of compliance that ensures the living unit is adequate, safe and sanitary, and require that the licensee retain a copy for Department review.

Factual Basis:

These sections are necessary to specify that the document generated and retained by the THPP establishing that participant living units are certified by the THPP, meet the requirements of Health and Safety Code Section 1501(b)(5). Adding these regulations ensure that the participants are placed in a safe living unit that meets the standards required.

Sections 86030.5(c) through (c)(5)

Specific Purpose:

These regulations are adopted to establish standards for completing a certificate of compliance.

Factual Basis:

These sections are necessary to be consistent with Health and Safety Code Section 1559.110(a) Health and Safety Code and Welfare and Institutions Code Section 16522(a) that require the Department to develop regulations and license transitional housing placement programs. These standards clarify for the licensee the necessary information included in completing a certificate of compliance.

Section 86030.5(d)

Specific Purpose:

This regulation is adopted to specify that the licensee must receive prior approval from the Department before using a remote site living model in a transitional housing placement program.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Health and Safety Code Section 1559.110(d)(3) and Welfare and Institutions Code Section 16522(d)(3) that require the Department to approve remote site living units. This regulation is necessary for the licensee to ensure the health and safety of the participants in a remote site living unit.

Sections 86030.5(e) and (f)

Specific Purpose:

These regulations are adopted to specify that a transitional housing placement program must maintain a copy of the certificate of compliance in the administrative office, sub-administrative office, and the staff living unit and that the certificate is not transferable.

Factual Basis:

These sections specify the document generated and retained by the THPP to establish that participant living units are certified by the THPP as meeting the requirements of Health and Safety Code Section 1501(b)(5). Adding this regulation ensures that the participants are placed in a safe living unit that meets the standards required. It also establishes a requirement that the certificate is not transferable if there is a change in the participant living unit.

Sections 86031.5 et seq.

Specific Purpose:

These sections are adopted to establish notification requirements for the licensee as it pertains to the participant living unit.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Health and Safety Code Section 1559.110(a) and Welfare and Institutions Code Section 16522(a) that require the Department to license and develop regulations for THPP. These sections are necessary to keep the Department informed of the current status regarding participant and staff living units, addresses, telephone numbers, etc.

Final Modification:

Section 86031.5(a) is amended to make a grammatical correction.

### Sections 86036(a) through (c)

#### Specific Purpose:

These regulations are adopted to specify the requirements for determining THPP application and annual fees. Additionally, they establish fee standards for THPPs that change location or capacity.

#### Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Health and Safety Code Section 1559.110(a) that requires the Department to license and develop regulations for THPP. These regulations are also necessary to be consistent with Health and Safety Code Section 1523.1 that changes the renewal fee to an annual fee for community care facilities. These regulations clarify for the licensee the application processing fees and subsequent annual fees based on capacity. They further clarify that no additional fees will be charged if the capacity is increased during the annual period.

#### Final Modification:

As a result of AB 1752, that amended Health and Safety Code Section 1523.1 to increase community care licensing facility fees; the Department is modifying the regulations at Handbook Section 86036(b)(1) to be consistent with the statutory fee increases. In addition, Section 86036(a) is amended to make the lead-in language more understandable.

### Sections 86036(d) and (e)

#### Specific Purpose:

These regulations are adopted to specify the criteria for a reduction in fees and to establish that application processing fees are nonrefundable except as specified in Government Code Section 15378 which is included as handbook for ease of use..

#### Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Health and Safety Code Section 1559.110(a) that requires the Department to license and develop regulations for THPP. The regulations are necessary to clarify for a licensee that relocating fees during an annual period may be reduced under specified conditions. The regulations may reduce some of the cost associated with relocating. The regulations also clarify the conditions whereby the application processing fee may be refunded.



Final Modification:

As a result of AB 1752, that amended Health and Safety Code Section 1523.1 to increase community care licensing facility relocation fees; the Department is modifying the regulations at Handbook Section 86036(d)(2)(A) to be consistent with the statutory fee increases.

Section 86044 Article 4 (Administrative Actions) and Section Title and Section 86044(a)

Specific Purpose:

This regulation adopts the title to Article 4 and the section title and allows the licensing agency the authority to inspect transitional housing placement programs.

Factual Basis:

This regulation is necessary to meet the specific requirements of Health and Safety Code Sections 1533 and 1559.110 that give the Department the authority to inspect THPPs. This regulation is necessary to ensure the health and safety of the participants in care.

Section 86044.5 (Title) and (a)

Specific Purpose:

This regulation is adopted to include the title and to specify that the THPP participant living unit must be in compliance with applicable statutes and regulations.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522(a) that requires the Department to develop regulations that govern THPPs. This regulation is necessary to clarify to the licensee that the participant living unit must be in compliance with regulations and that the licensing agency can decertify the participant living unit if it is not in compliance with the regulations.

Section 86044.5(b)

Specific Purpose:

This regulation is adopted to specify that under certain conditions the THPP staff residential unit must be in compliance with applicable statutes and regulations.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522(a) that requires the Department to develop regulations that govern THPPs. This regulation is also necessary to inform the licensee that if participants are allowed in the staff residential unit, then the licensing agency can request that the licensee discontinue use of the unit if it is not in compliance with regulations.

Section 86044.5(c)

Specific Purpose:

This regulation is adopted to provide the THPP with due process rights if a THPP participant, living unit, or staff residential unit has been decertified.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Health and Safety Code Section 1551.

Section Title and Sections 86045 (a) through (d)

Specific Purpose:

These regulations are adopted to specify the standards that the licensing agency will use to inspect THPP participant living units and to investigate complaints.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Sections 1534 and 1538 of the Health and Safety Code that require the Department to periodically inspect and evaluate community care facilities for quality of care. Also, this section is necessary to inform the licensee of the procedures that the licensing agency representative may use to inspect the participant living unit to ensure quality of care.

Final Modification:

Section 86045(c)(1) has the “handbook” designation removed.

Article 5 (Enforcement Provisions [Reserved]) and Article 6 (Continuing Requirements)

Specific Purpose/Factual Basis:

These two articles and corresponding titles are adopted for consistency in separating the regulations into distinct areas.

Sections 86061(a)(1) and (a)(1)(A)

Specific Purpose:

These sections are adopted to meet the requirements of, and to be consistent with, Penal Code Section 11164 which defines the "Child Abuse and Neglect Reporting Act."

Factual Basis:

These sections are necessary to conform to Penal Code Section 11164 and to inform the licensee that all facility personnel providing care and supervision to participants are mandated to report suspected child abuse and neglect to the appropriate agencies. This regulation also requires that facility personnel sign a statement that says they understand their reporting responsibilities.

Sections 86061(a)(2) through (a)(4)

Specific Purpose:

These regulations are adopted to clarify when the facility personnel should notify the THPP participant's authorized representative.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522 that requires the Department to adopt regulations to govern THPPs. These regulations are necessary to inform the licensee of the requirements to notify the THPP participant's authorized representative within three working days when the participant is relocated or removed from the program. It is also required that the licensee notify the THPP participant's representative of all incidents reported to the licensing agency.

Final Modification:

The amendment to Section 86061(a)(4) corrects the reference to Section 85001(b)(1)(A) through (J).

Sections 86061(a)(5) through (a)(5)(C)

Specific Purpose:

These sections are adopted to clarify the information which the licensee shall report to the Department when there is a change of administrator.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Section 16522 of the Welfare and Institutions Code that requires the Department to adopt regulations to govern THPPs. This section ensures there is a qualified administrator with the THPP.

Section 86061(a)(6)

Specific Purpose:

This regulation is adopted to specify the licensee responsibility to report, to the licensing agency, when a THPP participant's absence from the program is unexplained.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 16522 of the Welfare and Institutions Code that requires the Department to adopt regulations to govern THPPs. This regulation is necessary to inform the licensee of his or her responsibility to report to the licensing agency, the participant's authorized representative and the placement agency when a participant in THPP is absent from the program and it is not known why that participant is absent.

Sections 86064(a) through (a)(1)(B)

Specific Purpose:

These regulations are adopted to specify the education and experience requirements of an Administrator in a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 94302 of the Education Code and Section 16522(a) of the Welfare and Institutions Code that require the Department to adopt regulations to govern THPPs. They are also necessary to ensure that the administrators have the qualifications to administer the programs in a manner that meets the needs of the participants.

Final Modification:

Section 86064(a)(1)(A) is amended, a new (B) included, and existing (B) relettered to (C) and amended. These amendments are necessary to balance the need for the administrator to have the appropriate educational and supervisory experience necessary to carry out the duties of an administrator in a THPP. Additionally, new Handbook Section 86064(a)(1)(D) is added to provide the definition of “accredited” pursuant to Section 94302(a) of the Education Code.

#### Sections 86064(a)(2) through (a)(4)

##### Specific Purpose:

These regulations are adopted to specify the duties of an administrator in a THPP.

##### Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern THPPs. These regulations are necessary so that the administrator will know what his or her duties are in the THPP as they pertain to having knowledge of the program, providing supervision in the program, and dealing with personnel issues. The regulations also are necessary to clarify under which conditions the administrator may serve in another capacity in the THPP.

##### Final Modification:

As a result of testimony received, Section 86064(a)(2)(A) is amended to ensure that the administrator is present or readily available in the THPP during regular business hours (e.g., 8:00 a.m. to 5:00 p.m.) and removes the weekly 20 hour minimum for being present in the THPP. Section 86064(a)(2)(A) is amended to ensure that if the administrator is absent, coverage shall be provided by the administrator's designee in the THPP during regular business hours.

#### Sections 86065(a) through (a)(2) and (a)(2)(A) Handbook NEW

##### Specific Purpose:

These regulations are adopted to specify minimum training requirements for personnel working in a THPP.

##### Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern THPPs. Additionally, these regulations are necessary to inform the licensee of specific training requirements that will increase the knowledge of personnel working with the participants in the program.

##### Final Modification:

Section 86065(a)(1) is amended to specify the necessary minimum training. Section 86065(a)(2) is amended to include a reference to Welfare and Institutions Code Section 16522.1(c), to amend the language to specify the necessary minimum training, and to include the language of Welfare and Institutions Code Section 16522.1(c) in Handbook Section 86065(a)(2)(A).

Sections 86065(a)(3) through (a)(5)

Specific Purpose:

These regulations are necessary to specify required staffing for operating a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522(a) of the Welfare and Institutions Code that require the Department to license and develop regulations for THPP. In addition, these regulations clarify for the licensee that he or she must employ an administrator, social worker supervisor, and social work personnel to work in the THPP. The regulations also specify that the licensee must retain staff that is capable of implementing the plan of operation.

Sections 86065.2 (Title) and (a) through (a)(2)

Specific Purpose:

These regulations are adopted to specify social work supervisor duties and responsibilities in a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern THPPs. The adoption of these regulations is necessary explain the social work supervisor responsibility to train and supervise new social work personnel and ensure that social work personnel perform their duties in accordance with applicable laws.

Sections 86065.2(b) through (b)(3)

Specific Purpose:

These regulations are adopted to specify the education and experience requirements of a social work supervisor in a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 94302 of the Education Code. These regulations are necessary to ensure that minimal standards of instructional quality are given to students in all types of institutions. In addition, these regulations are necessary to ensure that the social work supervisor has the required skills and knowledge to train and instruct staff in a THPP.

Final Modification:

Section 86065.2(b)(1) is amended to clarify that THPP social work supervisors must meet the education and experience requirements of Education Code Section 94302 or receive approval from the California Private, Post-Secondary and Vocational Education Bureau. In addition, Section 86065.2(b)(2)(C) has the conjunction “or” added for clarity.

Section 85065.2(c)

Specific Purpose:

This regulation is adopted to require that the social work supervisor's documentation of education and experience be kept on file.

Factual Basis:

This regulation is necessary for the licensing agency to verify that the social work supervisor meets the required education and experience standards for a THPP.

Section 86065.2(d)

Specific Purpose:

This regulation is adopted to create exceptions for the social work supervisor standards.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code. This regulation is necessary to create an exception for the social work supervisor standards when the county department of social services or probation department performs those duties.

Sections 86065.3(Title) and (a) through (c)(4)

Specific Purpose:

These regulations are adopted to specify that social work personnel be employed to provide services in a THPP and meet the education and experience standards.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 94302 of the Education Code. These regulations are necessary to ensure that minimal standards of instructional quality are given to students in all types of institutions. In addition, these regulations are necessary to ensure that social work personnel have the required education and experience to assess and supervise participants in the THPP.

Final Modification:

Section 86065.3(b)(1) is amended to clarify that THPP social work personnel must meet the education and experience requirements of Education Code Section 94302 or receive approval from the California Private, Post-Secondary and Vocational Education Bureau. In addition, Sections 86065.2(c)(2) and (3) have the conjunction “or” added for clarity.

Section 86065.3(d)

Specific Purpose:

This regulation is adopted to require that the social work personnel's documentation of education and experience be kept on file.

Factual Basis:

This regulation is necessary for the licensing agency to verify that the social work personnel meet the required education and experience standards for a THPP.

Sections 86065.3(e) through (e)(3)

Specific Purpose:

These regulations are adopted to specify the exceptions for requiring a Master's degree as specified in Section 86065.3(c).

Final Modification:

Section 86065.3(e) is amended to cite the correct section cross referenced, (e)(1) and (e)(2) correctly identify the section cited for consistency in language, and (e)(3) is amended to capitalize the term “Baccalaureate Degree” and to clarify that the social work personnel’s degree must be from an “accredited school.”



Factual Basis:

These regulations are necessary to clarify for the licensee the requirements to hire social work personnel that do not have a master degree from an accredited school as specified in section 94302 of the Education Code. These regulations are necessary to ensure that before the licensee hire social work personnel that do not have a master degree, they must first meet the education and experience requirements as specified in Sections 86065.3(d) through 86065.3(d)(3).

Sections 86065.3(f) through (f)(4)

Specific Purpose:

These regulations are adopted to specify social work personnel duties and responsibilities in a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern THPPs. The adoption of these regulations are necessary explain the social work personnel responsibilities. These duties include assessments and supervision of participants in a THPP and ensure that social work personnel perform their duties in accordance with applicable laws.

Sections 86065.4(Title) and (a) through (a)(2)

Specific Purpose:

These regulations are adopted to specify the social work supervisor to social work personnel staffing ratios.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522(a) of the Welfare and Institutions Code that require the Department to license and develop regulations for THPP. The ratios specified in this regulation are based on community care facilities (CCF) standards, yet they are lessened to promote independent living skills of participants in THPPs.

Sections 86065.5 (Title) and (a) and (b) [NEW] and (b) renumbered to (c)

Specific Purpose:

These regulations are adopted to specify the staffing ratios of social work personnel to participants.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522(a) of the Welfare and Institutions Code that require the Department to license and develop regulations for THPP. The ratios specified in this regulation are based on CCF standards, yet they are lessened to promote independent living skills of participants in THPPs.

Final Modification:

As a result of testimony received, Section 86065.5(a) is amended to clarify that a THPP shall have a social worker on call 24 hours per day; a new Section 86065.5(b) adopted to clarify that a THPP shall employ one full-time social worker for every 25 participants; and existing Section 86065.5(b) relettered to (c) and amended to clarify that regardless of how many THPPs or other types of facilities a social worker is employed by, his or her entire caseload shall not exceed 25.

Sections 86066 through (a)(1)(C)

Specific Purpose:

These sections are adopted to ensure that THPP maintains personnel records.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522.1(b) of the Welfare and Institutions Code that require the Department to license and develop regulations for THPP. Also, this section is necessary for the licensing agency representative to verify that staff has the required education, training and experience necessary to be employed at a THPP.

Sections 86068.1 (Title) and (a) through (c)(2)

Specific Purpose:

These sections specify the intake procedures for the social work personnel when admitting a participant into a THPP.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522.1(a) of the Welfare and Institutions Code that require the Department to license and develop regulations as well as develop admission criteria for a participant in a THPP. These sections also ensure that the social work personnel obtain specific information that will assist in assessing the needs of the participant during the intake process.

Sections 86068.2 (Title) and (a) through (a)(14)

Specific Purpose:

These regulations are adopted to require that a needs and services plan and a transitional independent living plan (TILP) be completed for a participant and shall contain specified requirements.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. These sections also are necessary to specify what information is required to assess and appropriately place a participant in a THPP living unit.

Final Modification:

Section 86068.2(a) changes the word “complete” to “commence” for clarity so as not to conflict with (c) and (a)(8) is amended to include the phrase, “if ordered by the court” to protect participants’ rights pursuant to Welfare and Institutions Code Section 16001.9(a)(9).

Sections 86068.2(b) and (b)(1)

Specific Purpose:

These sections specify that social work personnel must use the TILP in completing the needs and services plan and if unable to obtain the TILP, the THPP must document efforts to obtain the TILP in the participant's case file.

Factual Basis:

These sections are necessary to ensure that the participant's needs and services plan is accurate and that efforts to obtain the TILP are documented if unable to secure the TILP. These sections comply with 42 U.S.C., Sections 675 and 677.

Sections 86068.2(c) and (d)

Specific Purpose:

This regulation is adopted to specify that the needs and services plan and the transitional independent living plan (TILP) must be completed within 30 days and a copy provided to the participant and his/her authorized representative.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. This regulation is based on current standards and is appropriate for this program to ensure that a participant is properly placed.

Sections 86068.3 (Title) and (a) through (a)(2)(B)

Specific Purpose:

These regulations are adopted to specify that the needs and services plan and the transitional independent living plan (TILP) must be reviewed and updated, if necessary and the modifications documented in writing.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. These regulations are based on current standards and are appropriate for this program to identify any changes in the needs of the participant.

Sections 86068.3(b) and (b)(1) and (c)

Specific Purpose:

These regulations are adopted to ensure that the participant and authorized representative participate in any changes to the needs and services plan and a transitional independent living plan and also that prior approval is obtained from the authorized representative before changes are implemented. Section 86068.3(b)(2) ensures that a copy of the amended needs and services plan and/or amended TILP are provided to the participant and his/her authorized representative.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. These regulations are necessary to ensure that the participant and the authorized representative have an active role in any change to the needs and services plan and a transitional independent living plan and that the authorized representative approves of the change. Section 86068.3(b)(2) is in conformance with 42 U. S. C., Sections 675 and 677.

Sections 86068.4 (Title) and (a) and (a)(1)

Specific Purpose:

These regulations are adopted to specify that the licensee develop, maintain and implement the procedures for the removal and/or discharge of participants in a THPP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522.1(h)(21) of the Welfare and Institutions Code that require the Department to license, develop regulations and specify the terms for terminating a participant from the program. These regulations are necessary to specify the requirement for the licensee to have a written policy to remove or discharge a participant from a THPP.

Sections 86068.4(b) and (b)(1)

Specific Purpose:

These regulations are adopted to allow the participant and authorized representative to participate in the development of the participant's discharge plan and to require a copy of the discharge plan be provided to the participant and to his/her authorized representative.

Factual Basis:

This regulation is necessary to establish a requirement for the licensee to ensure that the participant and authorized representative participate in the development of, and provided with, a copy of the discharge plan.

#### Section 86068.4(c)

##### Specific Purpose:

This regulation is adopted to specify that the licensee is required to notify and provide the authorized representative with written documentation when a participant is being discharged.

##### Factual Basis:

This regulation is necessary to establish standards for the licensee to give appropriate notification to a participant's authorized representative when a program cannot continue to meet the needs of the participant.

#### Sections 86068.4(d) through (d)(1)(C)

##### Specific Purpose:

These regulations are adopted to establish the circumstances that determine emergency removal of a participant from a THPP.

##### Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. These regulations are necessary to clarify some emergency circumstances by which a participant may be removed from a facility.

#### Sections 86070 (Title) and (a) through (b)(9)

##### Specific Purpose:

These regulations are adopted to keep specified records on participants in transitional housing placement program.

##### Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. These regulations are necessary to ensure that the licensee maintains records on the participant in the THPP and that the records contain specific information to assist in the treatment and placement of the participants.

Final Modification:

As a result of testimony received, Section 86070(b)(6) is amended to clarify that the names of all persons specifically prohibited pursuant to Welfare and Institutions Code Sections 16001.9(a)(6) and (7) to take the participant out of the THPP participant living unit shall be contained in each THPP participant's record.

Section 86070(c)

Specific Purpose:

This regulation is adopted to require that the THPP keep a record of the participant's child.

Factual Basis:

This regulation is necessary to ensure that the licensee maintains the required documentation on the participant's child for review by the licensing agency to ensure the health and safety of the child.

Sections 86070(d) through (d)(3)

Specific Purpose:

These sections are adopted to specify standards for the participant and the participant's child record when a participant transfers from a THPP.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. These sections are based on current standards and is appropriate for this program to ensure that the participant and participant's child is properly placed.

Sections 86072 (Title) and (a) through (d)(21)

Specific Purpose:

These sections are adopted to ensure that participants of the THPP are accorded personal rights, and advised and given a copy of those rights.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Section 1559.110 of the Health and Safety Code and Section 16001.9 of the Welfare and Institutions Code that require the Department to license and develop regulations for transitional housing placement programs and ensure specified personal rights for children in the foster care

system. Also, these sections are necessary to ensure that the licensee accord the participants the personal rights specified in these regulations which encourage the greatest level of independence as outlined in the child's Needs and Services Plan or Transitional Independent Living Plan.

Final Modification:

Section 86072(a) is amended to make the lead-in language more understandable and Section 86072(d)(1) is amended to include, for clarity, the phrase, "in order to prepare the participant for self-sufficiency." In addition, Section 86072(d)(19) is amended to remove unnecessary restrictions to be consistent with and pursuant to Welfare and Institutions Code Section 16001.9(a)(9).

Sections 86073 (Title) and (a) and (a)(1)

Specific Purpose:

These regulations are adopted to specify that a phone is required in the THPP administrative office, sub-administrative, staff residential living unit and participant living unit.

Factual Basis:

These sections are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations for THPP. These regulations are necessary to encourage independence and to ensure the health and safety of the participants in the transitional housing placement program.

Sections 86074 Title) and (a) through (a)(1)(A)

Specific Purpose:

These regulations are adopted to specify that the licensee shall meet the requirements for safety when transporting participants and his or her children.

Factual Basis:

These regulations are necessary to meet the requirements of Section 1559.110 of the Health and Safety Code that requires the Department to license and develop regulations for THPP. These regulations are also necessary to clarify that the licensee must meet Vehicle Code standards as specified in Sections 27360 and 27360.5 when transporting participants and their children in a vehicle.



Final Modification:

Section 86074(a)(1) is amended to clarify that the licensee, when transporting a participant and the participant's children, shall ensure they are secured in a safety restraint. Also, Section 86074(a) is corrected grammatically by adding a comma.

Sections 86075 (Title) and (a) and (b)

Specific Purpose/Factual Basis:

These regulations are adopted to ensure that the participant receives medical and dental services and to ensure the health and safety of the participant in a THPP.

Final Modification:

Section 86075(a) is amended to make the lead-in language more understandable and Section 86075(b) is amended to include vision and mental health services to be consistent with Section 86072(d)(5), participants' personal rights.

Section 86075(c)

Specific Purpose:

This regulation is adopted to ensure that a physician has determined that the participant is capable of administering his/her medication.

Factual Basis:

This regulation is necessary to meet the requirements of Section 1559.110 of the Health and Safety Code that requires the Department to license and develop regulations for THPP. This regulation is necessary to meet the intent of the transitional housing placement program that encourages the development of self-sufficiency and independence to effectively emancipate from foster care.

Sections 86075(d)(1) through (d)(1)(H)

Specific Purpose/Factual Basis:

These regulations are adopted and necessary to ensure the health and safety of staff and participants in the THPP by requiring that first aid supplies be maintained in the participant living unit and staff residential unit.

Section 86075(d)(2)

Specific Purpose/Factual Basis:

This regulation is adopted to ensure that the THPP staff has the appropriate training in first aid and CPR. This regulation is necessary to clarify for the licensee that THPP employees must have age appropriate training.

Section 86075(d)(3)

Specific Purpose/Factual Basis:

This regulation is adopted to require that participants with children must have age appropriate CPR training and first aid training. This regulation is necessary to ensure the health and safety of the participants and their children in care.

Section 86075(d)(4)

Specific Purpose:

This regulation is adopted to require that the licensee maintain documentation of the proof of completed training and current certification on file.

Factual Basis:

This regulation is necessary for the licensing agency to be able to verify that specified training has been completed. This regulation is necessary to ensure the health and safety of the staff and participants in THPPs.

Sections (Title) and 86078(a) and (a)(1)

Specific Purpose:

These regulations are adopted to require the licensee to care, supervise and provide services for participants in the THPP, as specified in the needs and services plan and TILP.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. These regulations are based on current CCFs standards and are appropriate for this program to identify the participant's needs in the THPP.

#### Section 86078(a)(2)

##### Specific Purpose/Factual Basis:

This regulation is adopted to specify that the licensee is responsible for ensuring that the participant provides care and supervision for his/her child(ren). This regulation is necessary for the health and safety of the participant child(ren) in THPP.

##### Final Modification:

This section is amended to clarify that the licensee is responsible for ensuring that a THPP participant's children are provided care and supervision by the participant.

#### Section 86078(a)(3)

##### Specific Purpose:

This regulation is adopted to limit the distance between the social worker and the participant in a THPP to no more than two hours travel by automobile.

##### Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations for THPPs. This regulation is necessary for the THPP to be able to provide care and supervision while encouraging self-sufficiency and independence to effectively emancipate from foster care.

#### Section 86078(b)

##### Specific Purpose:

This regulation is adopted to establish the Department's authority to require additional staff in a THPP.

##### Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations. This regulation is necessary for the THPP to provide adequate services and appropriate care and supervision.

Sections 86087 (Title) and (a) through (a)(1)(C)(1)

Specific Purpose:

These regulations are adopted for the licensee to ensure that the living units for participants meets required standards as specified.

Final Modification:

Section 86087(a) is amended to make the lead-in language more understandable.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations for THPPs. These regulations are based on current standards and ensure the health and safety of the participant in THPP by requiring that the living units meet minimum standards.

Sections 86087(a)(1)(D) and (a)(1)(D)(1)

Specific Purpose/Factual Basis:

These regulations are adopted to specify that a participant's bedroom shall not be used as a public or general passageway to another room, unless the participant lives in a studio apartment. These regulations are necessary to ensure that the THPP participants are accorded privacy and dignity.

Section 86087(b)

Specific Purpose/Factual Basis:

This regulation is adopted to state the requirement for a THPP participant and his/her child(ren) sharing a bedroom. This regulation is necessary to clarify to the licensee that participants in the THPP may share a bedroom with their child or children regardless of their ages. This regulation is necessary for the THPP to ensure care and supervision while encouraging self-sufficiency and independence to effectively emancipate from foster care.

Final Modification:

Section 86087(b) is amended to make the lead-in language more understandable.

#### Sections 86087(b)(1) through (b)(2)(D)

##### Specific Purpose:

These regulations are adopted to prohibit a participant from sharing a bedroom with an adult who is not a THPP participant, except under specified conditions.

##### Factual Basis:

These regulations are based on existing health and safety standards prohibiting adults from sharing a room with children. These regulations are also necessary to clarify for the licensee that an exception must be granted by the licensing agency before an adult share a bedroom with a child.

#### Section 86087(b)(3)

##### Specific Purpose:

This regulation is adopted to clarify that the living units for THPP facility employees shall meet the same standards as THPP participant living units as specified in regulation.

##### Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations for THPPs. This regulation is necessary to clarify that all bedrooms in a THPP living unit shall meet the standards as specified in Sections 86087(a)(1)(A) through (b)(4) to ensure the health and safety of those in the THPP living units.

#### Section 86087(b)(4)

##### Specific Purpose/Factual Basis:

This regulation is adopted to clarify for the licensee that a facility employee is prohibited from sharing a bedroom with a THPP participant. This regulation is necessary to ensure that the licensee recognizes the participant's need to develop independence while maintaining his/her personal privacy and dignity.

#### Section 86087(c)

##### Specific Purpose:

This regulation is adopted to require the licensee to make the necessary provisions to the program for participants with disabilities.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522(a) that requires the Department to adopt regulations to govern transitional housing placement programs. This regulation is necessary to specify the requirement for the licensee to ensure that participants with disabilities are afforded the necessary provisions to be successful in the THPP.

Section 86087(d)

Specific Purpose/Factual Basis:

This regulation is adopted to ensure that the licensee is aware that firearms and other weapons shall not be stored in the participant living units. This regulation is necessary to ensure the health and safety of participants in a THPP by requiring the licensee to ensure that no weapons are in the participant living units.

Sections 86087(e) through (e)(2)

Specific Purpose/Factual Basis:

These regulations are adopted to specify to the licensee that under specified conditions, disinfectants, cleaning solutions, poisons and other dangerous items shall be stored where they are inaccessible in the participant living unit. These regulations are necessary in a THPP to protect the health and safety of a participant's child(ren) and for the participant if the requirement is stated in his/her needs and services plan.

Sections 86087.1 (Title) and (a) and (a)(1)

Specific Purpose:

These regulations are adopted to clarify the licensee's responsibility to ensure standards for administrative office(s) that are responsible for interviewing participants and storing records.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern transitional housing placement programs. These regulations are necessary to ensure confidentiality of participants' information in THPPs by requiring the licensee to maintain confidential documents in a secure area in the administrative office.

#### Section 86087.1(a)(2)

##### Specific Purpose:

This regulation is adopted to clarify the licensee's requirement to maintain copies of confidential records in a THPP staff residential unit, when necessary.

##### Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern transitional housing placement programs. These regulations are based on current standards and are necessary for the licensing agency representative to have accessibility to THPP records for review to ensure compliance with regulations.

#### Section 86087.1(b) through (b)(3)

##### Specific Purpose:

This regulation is adopted to require participant/personnel records to be kept in transitional housing placement program.

##### Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern transitional housing placement programs. This regulation is necessary to provide standards for the licensee regarding participant/personnel records that must be available for review by the licensing agency to ensure the health and safety of the participant.

##### Final Modification:

Section 86087.1(b)(3) is amended for clarity to correct an erroneous cross reference.

#### Section 86087.1(c)

##### Specific Purpose:

This regulation is adopted to limit the distance between the administrative offices and the participant living units in a THPP.

##### Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 1559.110(a) of the Health and Safety Code and Section 16522 of the Welfare and Institutions Code that require the Department to license and develop regulations to govern

transitional housing placement programs. This regulation is necessary for the THPP to be able to provide care and supervision while encouraging self-sufficiency and independence to effectively emancipate children from foster care.

Section 86087.1(d)

Specific Purpose:

This regulation is adopted to ensure that sub-administrative offices meet all of the same requirements as administrative offices.

Factual Basis:

This regulation is necessary to meet the requirements of, and to be consistent with, Section 16522(a) of the Welfare and Institutions Code that requires the Department to adopt regulations to govern transitional housing placement programs. These regulations are necessary to provide standards for the licensees supervising participants in the program and are necessary to ensure confidentiality and that participant/personnel records must be available for review by the licensing agency.

Final Modification:

Section 86087.1(d) is amended for clarity to correct an erroneous cross reference.

Sections 86088 (Title) and (a) and (a)(1)

Specific Purpose:

These regulations are adopted to require that THPP housing units to have at least one toilet, sink, and tub or shower all in good working order.

Factual Basis:

These regulations are necessary to meet the requirements of, and to be consistent with, Welfare and Institutions Code Section 16522(a) that requires the Department to adopt regulations to govern transitional housing placement programs. These regulations are based on current standards and ensure the health and safety of the participant in THPP by requiring that the living units meet minimum standards.

Sections 86088(a)(2) and (a)(2)(A)

Specific Purpose:

These regulations are adopted to ensure that the licensee provides the participant and his/her minor child(ren) with basic household items.



### Factual Basis:

These regulations are necessary to specify the licensee responsibility to provide the THPP participant and his or her minor child(ren) with essential age and development stage appropriate household items. These regulations are essential to the participant's success in the transitional housing placement program by encouraging self-sufficiency and independence to effectively emancipate from foster care.

#### b) Identification of Documents Upon Which Department Is Relying

- 1) Assembly Bill 427, Chapter 125, Statutes of 2001
- 2) Vehicle Code Sections 27360, and 27360.5
- 3) Education Code Section 94302

#### c) Testimony and Response

There was oral testimony presented and written, faxed, and e-mailed testimony received as a result of the November 12, 2003, public hearing in Sacramento. Oral comments were presented by 1) Ledonna Toliver of Hayward, 2) Lisa Casarez of Fresno, 3) Ann Woodard of Oakland, 4) Diane Phillips of Redding and an unidentified commentor. Finally written comments were submitted by 1) Patricia Lebreacht; 2) Ralph Ward, MSW, from Youth and Family Programs (YFP) located in Chico and Anderson, California; 3) Debra L. Back, staff attorney for the Children's Advocacy Institute (CAI) at the University of San Diego; 4) Sherry L. Rita, staff attorney, from Protection and Advocacy, Inc. (PAI) in Sacramento; and from 5) Nicette L. Short, Senior Policy Advocate of the California Alliance of Child and Family Services (CACFS) in Sacramento. The testifiers' general and specific comments and the Department's responses follow:

### General Comments

#### Comment:

Ms. Back of CAI commented that, CAI supports the creation of Transitional Housing Placement Programs for both emancipated and current foster youth between ages 16 and 18. However, there are several important sections of Assembly Bill 427 (Chapter 125, Statutes of 2001) creating the THPP program that have not been included in the language of the proposed regulations. She indicated that AB 427 amended Section 1559.110(f) of the Health and Safety Code and Section 16552(e) of the Welfare and Institutions Code which indicate that the regulations shall be age-appropriate and recognize that youth who are about to emancipate from the foster care system should be subject to fewer restrictions than those who are younger. At a minimum, the regulations shall require programs that serve youth who are both in and out of the foster care system to have separate rules and program design, as appropriate, for these two groups of youth and allow youth who have emancipated from the foster care system to have the greatest amount of freedom possible in order to prepare them for self-sufficiency.

Ms. Back concluded by stating that, "[i]t is important that DSS maintain a distinction between the youth in and out of foster care, as this program is designed to provide youth the opportunity

to develop independent living and employment skills, and the greatest amount of freedom possible in order to prepare for self-sufficiency. However, the proposed regulations do not appear to implement these legislative requirements. It remains unclear how DSS will fulfill the statutory requirement for separate program rules and designs for these distinct sectors of the youth population.”

Response:

New Section 86022(a)(6) now contains language that addresses the testifier’s concerns and ensures separate rules and program designs for youth in the foster care system and youth who are no longer in the foster care system, but participating in the THPP pursuant to Section 1559.110(f)(2)(A) of the Health and Safety Code. In addition Section 86072(d)(1) has been amended to clarify that each participant will be accorded the greatest level of independence consistent with safety and the participant's ability and maturity level as outlined in the participant's Needs and Services Plan or TILP in order to prepare the participant for self-sufficiency.

General Comment:

Ms. Back of CAI commented that, Section 11403.3(f) of the Welfare and Institutions Code states that DSS "shall develop, implement, and maintain a rate setting system schedule for transitional housing placement programs pursuant to subdivisions (a) to (d), inclusive.” She indicated that the proposed regulations do not contain such a schedule. Nor do the regulations provide for a method that the Department uses to ensure that facilities are using these funds for their intended purposes. In 2001, the Legislature appropriated \$10 million to the Transitional Housing for Foster youth Fund with a mandate that the money only be used as specified in AB 427. Ms. Back concluded by asking, “If the Department does not have enforcement duties and powers, then what governmental entity would be responsible for ensuring the specified uses of these funds under THPP?”

Response:

Rate setting and funding are not subject to this regulation package. They are covered in separate regulations in the Department’s Manual of Policies and Procedures (MPP) Section 11-402.

General Comment:

Ms. Back of CAI commented that, Welfare and Institutions Code Section 16522.1(a)(1) specifies that youth who are wards of the court under Welfare and Institutions Code Section 602 and youth receiving psychotropic medications are eligible for THPP and shall not automatically be excluded due to these factors. However, there is no reference to these protections in the Department's regulations for THPP.

Response:

These comments are beyond the scope of, and not subject to, these regulations. MPP Divisions 30 and 31 set admission criteria and placements for youth receiving psychotropic medications and are covered in ORD #1202-32, MPP Section 30-906.12(G).

General Comment:

Ms. Back of CAI commented that, AB 427 required adoption of these regulations by July 1, 2002. No justification has been provided as to why emergency implementation is necessary now after the Department failed to meet the due date by 16 months. The Legislature's specification to use the emergency rulemaking process was due to the short time period between the date AB 427 was chaptered and the due date for the regulations. Once the Department failed to meet its deadline, the purpose for using the emergency procedures became moot.

She concluded by noting that while Welfare and Institutions Code Section 11369 provides the Department with authority to develop regulations on an emergency basis, it virtually guarantees that no public input or review by the Office of Administrative Law will effect the regulation, leaving foster youth affected by these regulations at a distinct disadvantage. Public input through the normal rulemaking process of the APA can provide the Department with valuable insight and ideas.

Response:

The Department disagrees with the comments and has adopted these emergency regulations pursuant to statute. The public has had the opportunity to submit written comments or to voice their comments and concerns at the public hearing. Finally, youth has not been disadvantaged, but helped by the adoption of emergency THPP regulations ensuring the youth's smooth transition out of foster care and into becoming model citizens while protecting their rights.

General Comment:

Ms. Back of CAI also provided previous testimony on ORD #0503-12 as an attachment (Attachment A). These comments are being provided in their entirety even though the regulations cited in the memo are not a part of these regulations.

“The Children's Advocacy Institute (CAI) seeks to improve the health, safety, and well-being of California's children. CAI advocates in the legislature to make laws, in the courts to interpret laws, before administrative agencies to implement laws, and before the public to educate and build support for laws to improve the status of children. CAI educates policymakers about children's needs for economic security, adequate nutrition, health care, education, quality child care, and protection from abuse, neglect, and injury.

“CAI is concerned that the proposed regulations are not fully consistent with Welfare and Institutions Code Section 16001.9, subsections (a) and (b), Health and Safety Code section 1530.91, and the implementing legislation, Assembly Bill 899 (Chapter 683, Statutes of 2001), which sets forth important rights of foster youth, as follows:

“(1) Amended section 83072, ‘Personal Rights’ for foster youth in small family homes, subsection (d) states that ‘each child, and his/her authorized representative, shall be personally advised and given at admission a copy of their rights as specified below...’ This subsection omits two very important portions of the new law: (1) the orientation must be ‘age and developmentally appropriate’ so that the child has a true understanding of those rights; and (2) during the orientation session, the child's questions and concerns must be addressed to ensure understanding. See Health and Safety Code section 1530.91(a). Amended section 84072(d) also fails to include these same two requirements.

“(2) Amended section 83072(d)(3) does not accurately reflect the right enunciated in Welfare and Institution Code section 16001.9(a)(11) ‘[t]o maintain an emancipation bank account *and manage personal income*, consistent with the child's age and developmental level, unless prohibited by the case plan.’ In the current proposed language it appears the child's authorized representative can restrict the child's right to manage his/her own money, which is not consistent with AB 899. Further, the language in that section should make specific reference to managing personal income.

“(3) Amended section 83072(d)(6) does not accurately reflect the rights contained in section 16001.9(a)(9) of the Welfare and Institutions Code, which states ‘[t]o make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.’ See also sections 16001.9(a)(6) and (a)(15) specifying other rights to contact certain individuals. The current language in this subsection is far too restrictive in that it impermissibly allows an authorized representative to prohibit a foster youth from exercising the right to make and receive phone calls; it allows restriction of this right by the licensee as a form of discipline; it requires that the foster youth's right to use of the phone not restrict the rights of anyone else (in practice this might always be the case if there is any type of waiting list or line to use a phone); and it prohibits-such use during times of emergencies (what constitutes an “emergency” is left undefined and vague - what if the youth is trying to call 911 or some other entity or person to help in a time of emergency?). All of these restrictions are inconsistent with and contrary to the intent of AB 899 and implementing statutes. Further, existing subsection 83072(d)(6)(B) permits the licensee to prohibit exercise of the foster youth's right if the call is long distance and the child owes the facility money from previous long distance calls. The decision to not permit a contact phone call should not be made by the licensee, but instead should be addressed by the court. What if the child's mother lives in another town and the child does not have any personal assets/money to pay the facility for the call? Is a violation of the child's rights justified in such a case? The court is a more appropriate arbiter of such a dispute. Subsection 83072( d)(6) needs to be changed to accurately reflect the rights contained in AB 899 and implementing statutory language. This discussion also applies to amended section 84072(d)(11)(A)-(C).

“(4) The right contained in Welfare and Institutions Code section 16001.9(a)(7) (‘to visit and contact brothers and sisters, unless prohibited by court order’) has been left out completely. Although amended section 83072(d)(14) mentions *contacting* family members, including siblings, the *right to visit those siblings* has been omitted and is inconsistent with AB 899. This same right is also omitted in the regulations under group homes, section 84072.

“(5) Amended sections 83072(d)(18) and 84072(d)(23) (‘[t]o not be locked in any room, building, or facility premises at any time’) are consistent with Welfare and Institutions Code section 16001.9(a)(12). However, the addition of subsections (A) and (B) in both sets of regulations severely diminish the right afforded by AB 899, and appear inconsistent with the implementing statute. In addition, sections 83072( d)(21 ) and 84072( d)(32) state that foster youth have the right to leave or depart the facility at any time (not one of the enumerated rights in AB 899), but then restricts that right under subsections (A) and (B) by stating that the licensee can set curfews and ‘other house rules’ for the protection of clients and that the right does ‘not apply to minors for whom a guardian, conservator, or other legal authority has been appointed.’ Since these sections are listing the rights of foster youth, what is the point of providing a right then stating it does not apply to minors when foster youth are minors? These sections are confusing and inconsistent. Further, sections 83072(d)(21 )(A) and 84072( d)(32)(A) grant complete discretion to the licensee to set curfews and other rules presumably to stop a foster youth from leaving the facility. There is no standard for what are reasonable curfews and rules, nor is there any requirement that the child's rights be considered or given priority in making the rules for the facility. In sum, these sections are entirely inconsistent and confusing in their stated purpose.

“(6) Amended sections 83072( d)(28)(E) and 84072( d)(33)(E) state ‘[ t]he licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports,’ but fails to address under what circumstances such approval would be necessary or appropriate, or whether that approval would have to be based upon a physician's prescription. It is uncertain whether the licensee facility could utilize these mechanisms for disciplinary purposes, and if so, that would violate the spirit of AB 899, specifically Welfare and Institutions Code section 16001.9(a)(12), precluding spatial restraints.

“(7) Amended sections 83072( e) and 84072( e) do not mirror the language contained in section 16001.9(b) of the Welfare and Institutions Code, but instead add a provision which impermissibly extends the language and intent of AB 899. Those sections should read ‘[n]othing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.’ The remaining language should be deleted.

“(8) Amended section 84072{ d)(5) sets limits on when and how a child can have visitors, some of which appear inconsistent with Welfare and Institutions Code sections 16001.9(a)(7), (a)(10), (a)(13), and (a)(15). It is unclear who makes decisions regarding restricting the rights of foster youth to have visitors and what criteria must be met to prevent a child from seeing a visitor and exercising their rights under AB 899. Specifically, the visitations must not ‘infringe on the rights of other children,’ an extremely vague and uncertain standard; the visitations must not ‘disrupt planned activities’ {planned how far in advance? what if the visitor cannot come back any other time? can there be no exceptions made to the rules?}; and again, the regulation impermissibly allows an authorized representative to restrict the foster youth's ability to see visitors. If a court order or case plan specifies such exclusions that would seem reasonable, but the current language is not specific or clear enough to be implemented fairly and consistently by licensees. The result would likely be violations of the rights of foster youth enumerated herein.”

Response:

The comments received are beyond the scope of the adopted regulations. The regulations cited by Ms. Back in her comments are not part of these regulations, however, they are part of another set of regulations dealing with the Foster Care Bill of Rights and AB 899, ORD #1202-32.

General Comment:

Ms. Rita of PAI commented that according to Welfare and Institutions Code Section 11400(q), to be eligible for placement in a THPP, a youth must be between 16 and 18 years of age and still in school full time, unless upon turning age 18, the youth is still in school and “reasonably expected” to complete school by age 19 (Welfare and Institutions Code Section 11403). Many foster youth have disabilities and are involved in multiple systems, particularly the special education system. Special education services must be made available to eligible youth with disabilities until age 22. Youth in special education may not be “reasonably expected” to complete their schooling by age 19. Therefore, a large percentage of youth who would benefit from the opportunity of participating in a THPP, the very youth that may require additional assistance in transitioning from foster care to independent living, will be excluded from the program due to their disabilities. The regulations implementing these statutory provisions should provide that for foster youth in special education, the requirement that they be “reasonably expected” to finish school by age 19 will be waived. Otherwise, foster youth in special education will be penalized for being in special education and availing themselves of the services that are guaranteed to them until age 22 by our federal and state special education laws.

Response:

The regulations are consistent with existing federal and state statutory law. Youth age 19 may be eligible for the participating counties THP-Plus program that are addressed in ORD #1202-32.

General Comment:

Mr. Ward commented that Sections 86064 (Administrator Qualifications and Duties), 86065.2 (Social Work Supervisor), 86065.3 (Social Work Personnel), and 86065.4 (Social Work Supervisor/Social Worker Ratio) are all taken directly from the FFA regulations and expressed curiosity if there is a belief that both programs require the same qualifications, skills and degree. He also wondered about ratios in these sections that bear no resemblance to reality.

Response:

The Department often looks to other regulations when promulgating new ones. However, each set of regulations is catered to its specific goals.

### General Comment:

Attached to Ralph Ward's comments on these regulations is a memorandum, dated February 22, 2002, regarding unidentified draft regulations. These comments are being provided in their entirety even though the regulations cited in the memo are not a part of these regulations.

"I am looking at the draft of the THPP regulations. They look pretty raw, like maybe it wasn't written for THPP but simply lifted from other regulations. Page 25, Section 89078(a)(2)(A) where it speaks to providing direct supervision when "the parent is unavailable" really makes me wonder since there is no parent involved in this concept. I am going to suggest that rather than simply using other regulations it would be important to consider the intent of the THPP program and write regulations with that intent in mind.

My understanding (belief) of the intent of the program is to help the transition of young adults out of the system. To me the program means the young adult accepts increasing responsibility while the rest of us reduce our role. Increased regulations could significantly reverse that process making the rest of us responsible for the young adults and preventing them from taking responsibility. If you read these draft regulations with the idea of the young adult taking responsibility I think it is clear where they fail.

Health & Safety 1559.110 defines three pretty distinct types of allowable programs but the regulations make no distinction between models and maybe I am only talking about regulations that would apply to the single site model. Our program helps young adults find their own apartment and it is truly their apartment. Think about that and then read 89072 or 89077, we are responsible for their food. How does that reconcile with giving them \$1000 and telling them to learn how to budget? If they buy the wrong food are obligated to go in and fill the refrigerator? Doesn't make sense if the goal is for them to learn.

Training is mentioned everywhere. Simple child development theory would tell you that the task of the older teen is to separate from adult caregivers. Reconcile that with regulations that direct on you everything from what is required in your refrigerator, to the size of your bedroom to where you have to put your cleaning equipment. Training on the needs of the older adolescent seems important for the writers of regulations as well as those that follow them. Some of my favorite language is contained in the Personal Rights sections, if that stuff is needed it isn't a THPP program you are reviewing. Social work ratios, job descriptions, all lifted from previous regulations, does any of that apply and why?

This is an opportunity to arm your analysts with meaningful regulations and we are headed down the same old path. At a minimum I would like to encourage consideration of separate regulations for each type of program and significantly increased involvement by those of us that having been doing this for the past four or five years. Please pass this on to whoever you believe might pay some attention to it. I really would like to be involved in the process of creating before I find myself complaining what has been handed to me."

Response:

The Department is unable to comment on a memo that seems to address a prior draft version of these regulations. The regulations address that youth have different needs depending on their level of maturity and development towards self-sufficiency.

Sections 86001(h)(1), (h)(2), and (h)(3)

Comment:

Ms. Back of CAI testified that these sections define terms associated with “host counties,” “host letters,” and “host families;” and questioned the statutory authority for the use of host counties. She further asked who is responsible for what happens in a host county since there is no county-approved plan.

Response:

The State may implement a statute by regulation in any manner deemed reasonable so long as it does not conflict with the statute. The regulatory scheme implements the statutes in a manner consistent with its intent. Responsibility and liability for out-of-county placements are addressed in current statutes and regulations. Nothing in these regulations overrides or negates those provisions, their protections and directives.

Section 86001(r)(1)

Comment:

Ms. Back of CAI commented that this section should include the entire definition provided in Health and Safety Code Section 1159.110(d)(3) to be consistent since as currently written, the definition does not include that the participant must be supervised by the provider, if DSS approves such a plan.

Response:

It is not necessary to provide the supervision requirements in the definition section because these requirements are addressed in Section 86078.

Sections 86001(t)(4)(B) and (C)

Comment:

Mr. Ward of YFP commented that Health & Safety Code 1559.110 (d)(3) indicates a lease must be in the provider’s name. YFP targets those youths in their last six months in care, and attempts to place them in a situation that they will be able to sustain and then learn by their own experience. YFP attempts to provide them with a true transitional experience. Requiring providers to maintain the lease will deprive these youths of the experience of finding a cosigner, a positive step away from dependence, and will lessen the youths investment in the apartment, a



continuance of dependence. Providing Transitional Housing for youth leaving the system is an opportunity California foster youth deserve. Over regulating the experience could destroy it. These regulations keep the participants too close to the state of dependency. The more you make the system (agency) responsible for the person the less responsibility they feel for themselves and the key to independence is understanding that the youths themselves are responsible.

Response:

The Department disagrees with the commentor's assertion that the Department is over-regulating in this area. Health and Safety Code Section 1559.110(d)(3) specifically addresses the provider's role in leasing the living unit for participants.

Section 86001(t)(6)

Comment:

Ms. Back of CAI commented that the definition for "Transitional Independent Living Plan" should contain a reference to Welfare and Institutions Code Section 11403.1(c) for clarity and consistency.

Response:

Thank you for your comment. The Department disagrees and has determined that the definition, as written, is clear and concise.

Section 86010(a)(1)

Comment:

Mr. Ward of YFP commented that this section is too limiting since the most common living arrangements for young adults is to reside in an apartment with friends and this regulation would prevent that from happening. He concluded by indicating that in their program they look to find this exact set up because it is the most likely for the young adults to sustain as they complete their transition to independence.

Response:

Thank you for your comments. The Department has amended Section 86010 to include such a living arrangement only in a "remote site" setting when it is consistent with existing statute and regulation and approved by the Department.

Comment:

Oral testimony was presented at the November 12, 2003, public hearing by Ms. Diane Phillips. She commented that, "... ex-participants of the THPP program, program graduates, I understand could continue to live -- are allowed to continue to live in the facility. And my question is, can

they share a bedroom with one of the current participants in the program, or would they not be allowed to?”

Response:

Please see the response to the comment immediately above.

Section 86018

Comment:

Ms. Back of CAI commented that, “[a]mended section 1559.110(e) of the Health and Safety Code states that the Department must...establish certification standards and procedures for transitional housing placement facilities serving youth over 18 years of age (that do not have to be housed in licensed facilities)...and that these standards must include, at a minimum, criminal background checks of transitional housing providers and staff. The proposed regulations do not appear to contain any such certification regulations, although the regulations do contain requirements for each program plan that must be approved by the county under section 86018, titled ‘Application for Licensure.’ Since these are licensing regulations, they would appear not to apply to the situation where the facility only needs obtain a certification by the county. Please clarify whether this statutory requirement has been implemented through these regulations, and if so, where the applicable certification standards can be found.”

Response:

These regulations do not cover the Transitional Housing Placement facilities found in Health and Safety Code Section 1559.110(e). This comment refers to another set of regulations ORD #1202-32 and, consequently, is beyond the scope of this filing.

Handbook Section 86018(B)(f)

Comment:

Ms. Short of CACFS commented that this handbook section states that an allowance should be provided to each THPP participant which shall be sufficient to purchase food and other necessities and indicated that clarification is requested that Section 80076(a) (Food Service) does not apply to THPP programs, as programs do not provide meals, only an allowance for the youth to purchase their necessary groceries.

Response:

This handbook section is language quoted from Welfare and Institutions Code Section 16522.1(f). Section 80076(a) states “In facilities providing meals to clients, the following shall apply.” This language excludes THPPs which do not provide meals.

#### Sections 86018(b)(3)(A) and (B)

##### Comment:

Ms. Back of CAI commented that these sections allow a THPP provider to provide services in a county with no approved THP plan under certain circumstances raising concerns regarding responsibility and implementing authority. Additionally the system provides a lack of incentive to counties without a THPP plan to implement and fund this program if they can obtain providers from a neighboring county without the administrative cost and burden. Also, problems could arise with social workers checking the licensing status or attending to foster youth needs when the location of the facility is outside the county. Ms. Back finally added that ,”DSS is the entity that is responsible for and capable of establishing uniform rules across counties” and “...regulations do not address how these issues will be resolved.”

##### Response:

None of the stated concerns are different from those currently existing with group home placements. Existing statutes and regulatory protections are in place.

#### Handbook Section 86018(b)(4)(C)

##### Comment:

Ms. Short of CACFS commented that while THPP providers anticipate working collaboratively with their ILP partners, the ultimate decisions regarding the program, including which youth are appropriate for inclusion , must be made by the THPP provider agency. In addition, it should be clear that the ILP’s role is one of participant, supporter, and advisor, not one of decision maker and Ms. Short concluded by indicating the they would like the Department to clarify the appropriate roles of the entities involved.

##### Response:

This handbook section is language quoted from Welfare and Institutions Code Section 16522.5, therefore no changes are possible without legislative action.

#### Section 86022(a)(4)(D)

##### Comment:

Mr. Ward of YFP commented that various sections call for a Master’s level social worker, a case load limit of 25, and mandated training and that the reality is that current programs operate as an adjunct to existing foster family agency (FFA) programs. Mr. Ward indicated that he is not aware of any program exceeding ten placements at any given time and that workers are already required to be trained as FFA workers. He concluded by adding that he was not aware of any additional training beyond an MSW that would make one more effective as a worker in a Transitional Housing Placement Program and is interested in the intent of this section.

Response:

Thank you for your comments however, since no sections were specified, no response is available. Comments made under Section 86022(a)(4)(D) do not apply to social workers or ratios, but only to staff training plans. It is unclear from the comments which requirements the commentor believes are problematic.

Section 86028(b)

Comment:

Oral testimony was presented at the November 12, 2003, public hearing by an unidentified individual who commented referring to this section , but offered no testimony and jumped to the comment that follows.

Response:

Please see the following comment.

Section 86030.5(b)

Comment:

Oral testimony was presented at the November 12, 2003, public hearing by an unidentified individual who commented that they were curious as to what is a “Certificate of Compliance” that is mentioned in this section.

Response:

The definition of “Certificate of Compliance” is found at Section 86001(c)(2).

Section 86030.5(b)(1)

Comment:

Oral testimony was presented at the November 12, 2003, public hearing by an unidentified individual. The person commented that, “the information, the records gathered on the THPP youths for their files seems a bit burdensome. I know it would be difficult to gather this information, at least in our county, such as death certificates of the parents, complete medical records with past diseases, et cetera, ... just their history, their social history, is sometimes difficult to get. Procedures for... the placement history, their entire placement history of all the different homes they've lived in, would be difficult for us to get. It might be tough to get some of the family information. And then there's the procedures for inspecting the documents described under Welfare and Institutions Code Section 827. I have no clue what that is. And information regarding jurisdiction termination hearings and the potential consequences of the failure to attend the-- and the consequences for failure to attend, this is real unclear. I have no idea what this is, other than possibly it's the parents of the youth that went through jurisdiction

termination hearings regarding the youth. And I highly doubt that our county would release that information to us for the youth's file. So that's basically that. I think it'd be difficult for us to follow through and get all this information for the youth.”

Response:

The record keeping requirements in this section are consistent with those found in MPP, Divisions 30-and 31 governing the record keeping requirements for foster children. Because the vast majority of the youth participating in the THPP are foster care children, the Department has determined these documents should be in the childrens' files.

Section 86030.5(d)

Comment:

Mr. Ward of YFP commented that this section appears to indicate that the Department's CCLD would need to approve every placement made. He indicated that it is not clear if the section speaks to approval of the remote site model unit or the person.

Response:

The statute and regulation is clear that approval is for the program using a “remote site unit” as specified in Section 86030.5(d) and as in Health and Safety Code Section 1559.110(d)(3). The “Certificate of Compliance” pertains to the single housing unit.

Section 86060(a)(1)

Comment:

Patricia Lebreacht testified that, “Some time the best role models and roommates are those say 18-25 that are going to college or on a vocational track, have a job, are responsible for their own income and expenses, etc.” Suggested language changes were provided to include, “other appropriate residents 18 years or older who have been cleared and authorized by Community Care Licensing, approved by the licensing agency and the county of jurisdiction for the THP participant. Ms. Lebreacht concluded by adding that, “I think having this flexibility will help make the program more valuable and effective.

Response:

Please see the response to the comment for Section 86010(a)(1).

Section 86061(a)(2)

Comment:

Ms. Back of CAI asked how much notice is required to be given to the participant to enable her/him to locate new housing? Is the licensee required to provide reasons for such relocation? There should be some basic due process protections for the foster youth absent intentional misconduct, violation of facility rules, or other emergencies. Ms. Back concluded by questioning why the licensee is not required to provide notice to the individual participant regarding the instances provided in Section 86061.

Response:

Participants' relocation must be consistent with their personal rights. There is not a traditional landlord/tenant relationship between the participants and licensees.

Section 86061(a)(6)

Comment:

Oral testimony was presented at the November 12, 2003, public hearing by an unidentified individual who commented that this section is unclear as to what "an unexplained absence" is and needs clarification.

Response:

The Department has determined the regulation is clear. The Department does not need to expand the definition because there needs to be flexibility in the definition to accommodate the different levels of independence and maturity of the participants.

Section 86064(a)(2)(A)

Comment:

Ms. Short of CACFS commented that the criterion in this section is overly restrictive since the role of the administrator for some programs does not require extensive on-site supervision and suggested amending the regulation to read as follows:

"The administrator shall be present in the THPP or readily available at least twenty hours per week during business hours."

Response:

The Department is amending this section by deleting the 20 hour weekly minimum requirement for the administrator's presence in the THPP to allow for administrative flexibility and to allow accessibility to the administrator during regular business hours.

Section 86064(a)(2)(B)

Comment:

Ms. Short of CACFS commented that the criterion in this section is unclear and should be amended to read as follows:

“At all other times, during regular business hours, when the administrator is absent from the THPP...”

Response:

The Department is amending this section by clarifying that when the administrator is absent during regular business hours from the THPP, there shall be coverage by the administrator's designee. And, that if the designee does not meet the administrator qualifications there shall be immediate access to the administrator or someone who meets the administrator requirements.

Section 86065

Comment:

Oral testimony was presented at the November 12, 2003, public hearing by Ms. Ann Woodard. She commented, “I'm looking at page 34, ‘Personnel Requirements.’ It is not to me overtly clear about the requirements for an administrator and a social ... work supervisor. Knowing the requirements for the administrator, they overlap with that of the social worker ... in some cases. So I'm wondering if ... you have to have two separate bodies as opposed to one person serving in two capacities, or... if there are census requirements; for example, if, in order to have to have separate social worker, separate administrator, should there be a requirement for a capacity, because in some cases, if you don't have a large capacity, it would be financially prohibitive to have two separate... persons. So I just wanted ... a clarification on that.”

Response:

Dual-function employees are allowed in accordance with statute and the regulation including allocation of hours e.g., see Section 86064(2)(B)(4).

#### Sections 86065(a)(1)(A) and (a)(2)

##### Comment:

Oral testimony was presented at the November 12, 2003, public hearing by Ms. Diane Phillips. She commented that in the “requirements for transitional housing personnel -- not administrator or social worker, but personnel for the program -- there were only two things listed, training for the characteristics of youth placed in foster care [Section 86065(a)(2)] and a one-hour training on child abuse reporting [Section 65065(a)(1)(A)], and I was wondering if there's any other training or requirements for THPP staff.

##### Response:

Thank you for your comments. In answer to your query, yes, there are other training or requirements for THPP staff. Please see Section 80065. Section 86065(a)(1) is amended for clarity to indicate that these are the minimum allowable standards for training.

#### Section 86065(a)(2)

##### Comment:

Ms Back of CAI commented that this section needs to have the requirements of Welfare and Institutions Code Section 16522.1(c) added to ensure that the statutory mandate is referenced and adhered to fully.

##### Response:

Thank you for your comments. A reference has been added to read, “All THPP personnel shall, at a minimum, receive training about the characteristics of persons 16-21 years of age, placed in long-term foster care pursuant to Welfare and Institutions Code Section 16522.1(c).”

#### Section 86065.2(d)

##### Comment:

Ms Back of CAI questioned why this waiver for county or probation personnel, if they perform the duties of the social work supervisor, is allowed when the distinction is not contained in the statutory authority of AB 427.

##### Response:

The regulations are not inconsistent with AB 427, in which there is no specific reference to Social Worker personnel criteria.



#### Section 86065.3(d)

##### Comment:

Oral testimony was presented at the November 12, 2003, public hearing by Ms. Lisa Casarez. She indicated that, "...in reviewing the adoptions regulations, I think that it would be very much a disservice to our community to require that the personnel social workers be required to have a master's in social work. As an administrator, I know that it's a it's a hardship for us to find qualified social workers, and in Fresno, it's ... very difficult." "Fresno State's very impacted, and the other colleges don't offer a master's in social work program. I know that they have other options, but I just think it would be a hardship for us ... for the State to require that the social work personnel be required to have a master's. I know that they're allowing exemptions, but our experience is that each county has,... the option of granting the exemptions, which would be very challenging for the programs.

I think the high qualification requirement would be a hardship for the budget also. I think that administrators and people in those positions, most definitely, a master's would be acceptable, but for personnel, I think it would just be a hardship. Under the ...good leadership, I think the program would run sufficient with maybe ... a bachelor's in social work, personnel person."

##### Response:

Thank you for your comments. The regulations do allow alternatives to a Master's Degree. Please see Section 86065.3(e).

#### Section 86065.3(e)

##### Comment:

Patricia Lebreacht testified that social work personnel, who do not meet the Master's Degree requirements, may apply to the Department for an exception if they meet the three items listed in this section. She continued by indicating that, "...if two of those were met it would maintain the integrity and safety of the program but allow some flexibility in being able to hire some good qualified folks to work in the programs."

##### Response:

Thank you for your comments. The Department has determined that all three requirements are necessary in the absence of a Master's Degree. The requirements cover the basic qualifications (supervision, course and field work, and a Bachelor's Degree in a related field) for persons supervising staff and working with foster children.

Comment:

Ms. Short of CACFS commented that this requirement is overly rigorous and contends that all of the requirements prescribed in this section are not necessary to ensure a skilled, capable and competent THPP staff member will be performing the necessary functions. Ms. Short continued by adding that in these times of staff shortages, it is imperative that providers receive the most flexibility in meeting their staffing requirements for programs to survive and to serve the children. She further suggested amending the regulation to read as follows:

“For social work personnel who do not meet the Master’s Degree requirements specified in Subsection 86065.3(c) above, the licensee may apply to the Department for an exception if any two of the three following requirements exist.”

Response:

Thank you for your comments. See the response prior to the comment immediately above. No changes are being made as a result of this comment.

Section 86065.3(f)

Comment:

Ms Back of CAI commented that Section 86065.3(f) [Social Work Personnel] does not provide any clear indication of what time commitment must be made by the social worker to each of his or her THPP participants. Although a ratio of 25 participants to each full-time social worker is required, is there an assumption or requirement that the social worker is on premises full-time during normal working hours each week? Is there any prohibition that social workers may only work at one THPP facility at a time, or would it be possible for social workers to be on staff at multiple facilities, and potentially in violation of the rule that a social worker may have no more than 25 participants in his or her caseload? Who is responsible for ensuring compliance with this minimum requirement: the social work supervisor, the licensee, or the licensing agency?

Further, Welfare and Institutions Code Section 16522.1(d) states the THPP facility must have "a detailed plan for monitoring the placement of persons under the licensee's care." How will this requirement be met under the proposed regulations?

Response:

Thank you for your comments. Social workers are not restricted from working at more than one THPP at a time; however the ratio cannot exceed 25 participants to one social worker. Supervision of social worker duties are the responsibility of the Administrator and or the Supervising Social Worker. Section 86065.5 has been changed to clarify social worker ratios requirements.

#### Section 86065.5 [Social Worker Ratios]

##### Comment:

See previous comment for Section 86065.3(f) from Ms. Back of CAI, above.

##### Response:

See response for comment for Section 86065.3(f) from Ms. Back of CAI, above.

#### Section 86068.1(c)

##### Comment:

Ms Back of CAI commented that this section should contain the words "upon placement" to ensure that the social worker's review of the appropriateness of the placement is completed in a timely fashion, similar to the requirement in Section 86068.1(b).

##### Response:

Thank you for your comments. Initial determination of appropriate placement is done by the county placement worker. Section 86068.1(c) is an ongoing responsibility of the THPP Social Worker.

#### Section 86068.2

##### Comment:

Ms. Rita of PAI commented that, “[b]ecause of the multiple systems that may be responsible for serving a foster youth, the TILP should incorporate the participant’s Individualized Education Plan (IEP), Individual Program Plan (IPP), or other services/supports that should be aiding in transition.

##### Response:

The regulation does not preclude such incorporations. The requirements of the regulation would necessitate consideration of all information pertinent including any IEP, IPP, etc.

#### Section 86068.2(a)

##### Comment:

Ms. Rita of PAI recommended that this section be amended as follows:

- (a) At the time of placement, the THPP social work personnel in consultation with the authorized representative, the participant, and representatives of agencies serving the participant, including but not limited to the local education agency, county mental health, California Childrens' Services, rehabilitation and Regional Center shall complete a needs and services plan for each participant. The needs and services plan shall describes the following: (Continued)

Response:

Consultation is not necessary because it is required that the plan address information already provided by these agencies. Requiring consultation could delay the placement of the participant in the THPP.

Section 86068.2(a)(9)

Comment:

Ms. Rita of PAI recommended that this section be amended as follows:

- (a) (9) Current service needs, including the services set forth in a special education Individualized Education Plan, special education transition plan, Regional Center Individualized Program Plan, and any other service plan developed by an agency serving the participant; (Continued)

Response:

Thank you for your comments. Please see the prior two responses.

Section 86068.2(a)(14)

Comment:

Ms. Rita of PAI recommended that a new section be included as follows:

- (a) (14) Signatures of the representatives of agencies serving the participant, as set forth in Section 86068.2(a), above.

(14~~5~~) Signature of the participant. (Continued)

Response:

Thank you for your comments. Please see prior three responses.

Section 86068.2(e)

Comment:

Ms. Rita of PAI recommended that a new section be included as follows:

- (e) The THPP shall be consistent with the participant's Individualized Education Plan, special education transition plan, Individual Program Plan, and any other service plan of the participant, if any.

Response:

Thank you for your comments. This is the responsibility of the licensee or his/her designees also please see the Department's Manual of Policies and Procedures (MPP) Divisions 30 and 31.

Section 86068.3(a)

Comment:

Ms Back of CAI commented that minor changes to section 86068.3(a) are necessary to clarify how modifications to the needs and services plan of participants are to be made and questioned "...who is responsible for review of the plan at least every 6 months: the social worker, social worker supervisor, the licensee, or all of the above?"

Response:

Thank you for your comments. The licensee or his/her designee is responsible for review of the plan at least every 6 months. The regulation is clear and protective and will not be amended.

Section 86068.3(a)(2)(A)

Comment:

Ms Back of CAI commented that minor changes to Section 86068.3(a)(2)(A) are necessary to clarify how modifications to the needs and services plan of participants are to be made and stated that the need for modification of the plan must be documented in writing. She further asked "Is the person who is responsible for modifying the plan required to notify the participant and/or the participant's representative that they must put their requests in writing, or is the licensee's agent required to make written documentation of the participant's requests for modification?" Ms. Back concluded by stating that, "[t]hese could become very important issues in practice and could easily be clarified to avoid uncertainty.

Response:

The regulation is clear and protective and will not be amended.

Section 86068.4(b)

Comment:

Ms. Rita of PAI commented that, “[t]his section merely mentions that the licensee shall ‘offer’ the opportunity to develop a discharge plan for the participant upon removal or discharge.” “...This section should be more specific and require [emphasis added] that a discharge plan be developed prior to the participant’s departure from the THPP. At a minimum, the required discharge plan should address the participant’s housing, income, educational, vocational medical, and mental health needs and be designed in consultation with the participant and representatives of the agencies serving the participant, including his or her case manager.”

Response:

Thank you for your comments. The regulations require that the licensee develop policies and procedures governing the removal and discharge of THPP participants. Participants’ relocation must be consistent with their personal rights.

Section 86068.4(c)

Comment:

Ms Back of CAI commented that the Department should be providing some minimum standards in Section 86068.4 regarding removal and/or discharge procedures of licensees in order to fulfill the legislative intent of AB 427 to prevent homelessness in foster youth and former foster youth. She cited the following example, “DSS should provide minimum time periods between the date the participant is given notice of removal and the date the participant must leave the facility in order to allow for relocation to a new facility or alternative arrangements.” Ms. Back specified that Section 86068.4(c), “...only allows the participant 7 days to vacate the facility when the THPP decides that ‘it can no longer meet the needs of the participant.’ Not only is this standard for relocation detrimentally vague, but the time period provides no opportunity for the participant to find a new place to live. Under normal landlord-tenant law, 30 days is the minimum time period for vacating a premises.” She concluded by adding that, “T[t]he lack of minimum protections violates the intent of AB 427 and allows unfettered and not appealable discretion on behalf of the THPP facilities.”

Response:

Thank you for your comments. See prior response and response to comment for Section 86061(a)(2).

Comment:

Ms. Rita of PAI commented that “[i]t appears that the regulations contemplate a youth may be discharged/removed (evicted) from a THPP without observing our state’s landlord/tenant laws, by leaving the development of policies and procedures for removal/discharge to the licensee.” Section 86068.4(c) “allows for the ‘removal’ (eviction) from the THPP within seven days when the licensee determines it can no longer meet the needs of the participant. There is no justification for treating placement in a THPP any differently from any other placement where due process must be provided to a resident prior to eviction.” Ms. Rita concluded by suggesting that “the regulations implementing the THPP should specify the licensee must comply with our state’s landlord/tenant laws in order to lawfully evict a participant from its facility.”

Response:

Thank you for your comments. Please see prior response and response to comment for Section 86061(a)(2).

Section 86070(b)(1)

Comment:

Ms. Rita of PAI recommended the phrase “important documents” be included among the enumerated documents in this section.

Response:

Please see Section 86070(b)(1) “Copy of important documents...”

Section 86070(b)(6)

Comment:

Mr. Ward of YFP provided the language of Section 86070(b)(6) “Names of all persons authorized to take the participant out of the THPP participant living unit.” and suggested that after you read the above statement read Welfare and Institutions Code Section 16522 (e) “ *The regulations shall be age-appropriate and recognize that youth who are about to emancipate from the foster care system should be subject to fewer restrictions than those who are younger.* ” Mr. Ward concluded by stating that “[t]his may seem petty but one analyst, with a set of beliefs could have providers all keeping an up to date list of friends a foster child is allowed to walk to school with, while living in their own apartment and learning to make decisions in preparation for their emancipation.”

Response:

Thank you for your comments. The regulations have been amended to read: "Names of all persons specifically prohibited, pursuant to Welfare and Institutions Code Section 16001.9(a)(6) and (7), to take the participant out of the THPP participant living unit."

Comment:

Oral testimony was presented at the November 12, 2003, public hearing by an unidentified individual who commented that this information "would be the (sic) in the child's file, names of all the persons authorized to take a THPP youth out of a participant living unit. As I understand the program, the kids come and go and have friends and family as authorized by their placement worker, et cetera, and so it was unclear what we're supposed to do with this [language] persons authorized to take the youth out of their living unit."

Response:

Thank you for your comments. See prior response.

Section 86072(d)(19)

Comment:

Ms Back of CAI indicated that attached to this comment is CAI's comment submitted on September 17, 2003 regarding DSS' proposed regulations implementing foster youth's personal rights. (See Attachment A.) The same comments apply to new Section 86072, contained in this rulemaking package. Of particular concern is the wording of Section 86072(d)(19), that permits the licensee to prohibit a participant from making long distance calls if the participant has an outstanding bill. Since the licensee is deducting any costs for telephone service from the payments received on behalf of the participant, it is difficult to imagine why the participant should be limited by this restriction. According to Welfare and Institutions Code Section 16001.9(a)(9), the participant has a right to make and receive confidential phone calls period. The specific language relating to Attachment A, above is as follows:

"The current language in this subsection is far too restrictive in that it impermissibly allows an authorized representative to prohibit a foster youth from exercising the right to make and receive phone calls; it allows restriction of this right by the licensee as a form of discipline; it requires that the foster youth's right to use of the phone not restrict the rights of anyone else (in practice this might always be the case if there is any type of waiting list or line to use a phone); and it prohibits-such use during times of emergencies (what constitutes an 'emergency' is left undefined and vague - what if the youth is trying to call 911 or some other entity or person to help in a time of emergency?). All of these restrictions are inconsistent with and contrary to the intent of AB 899 and implementing statutes. Further, existing subsection 83072(d)(6)(B) permits the licensee to prohibit exercise of the foster youth's right if the call is long distance and the child owes the facility money from previous long distance calls. The decision to not permit a contact phone call should not be made by the licensee, but



instead should be addressed by the court. What if the child's mother lives in another town and the child does not have any personal assets/money to pay the facility for the call? Is a violation of the child's rights justified in such a case? The court is a more appropriate arbiter of such a dispute.

Response:

Thank you for your comments. A THPP participant with an “outstanding” long distance phone bill is not restricted from making and receiving calls. There are alternatives such as, receiving calls, calling cards, collect cards, etc. It is not appropriate to address these issues in this section (Personal Rights), and furthermore, the extent of the provider’s authority to protect other youths’ personal rights are not being infringed upon. In addition, Section 86072(d)(19) is amended to remove unnecessary restrictions to be consistent with and pursuant to Welfare and Institutions Code Section 16001.9(a)(9).

Section 86075(a)

Comment:

Ms. Short of CACFS commented that, “[t] his criterion states that Section 80075 of Title 22 applies to the Transitional Housing Placement Program. We believe that this inappropriate. The reason for this program is for foster youth to begin to accept more responsibility for their well-being and [to] learn important behaviors in a monitored, safe, supportive environment, but an environment that is less restrictive than a traditional foster care one”. She continued by adding, “...that one of the key elements to this transition is for these youth to learn to handle the responsibility for their medication needs, while still being under the general guidance and oversight that the THPP program provides.” Ms. Short concluded by suggesting, “...that Section 86075(a) should be deleted.”

Response:

Thank you for your comments. Transitional Housing Placement Programs are also governed by the Community Care Licensing General Regulations. If the Department deletes Section 86075(a) then it will apply. “Notwithstanding” indicates Section 80075 does not apply.

Section 86075(b)

Comment:

Ms. Rita of PAI commented that many foster care youth require mental health services, but THPP licensees are only required to ensure that THPP recipients receive “all needed medical and dental services” as currently written and suggested including “mental health” services to this section.

Response:

Thank you for your comments. This concern is covered in provisions under the Need and Services Plan. Please see Sections 86068.2 and 86068.3.

Section 86087(c)

Comment:

Ms. Rita of PAI commented that it is critical that THPP participants with disabilities be provided reasonable accommodations/modifications when necessary. The regulations as currently written require that providers must make “necessary provisions” which is vague and should affirmatively state providers are under an obligation to ensure that THPPs are accessible to youth with disabilities. Ms. Rita concluded by stating that providers should be required, as a condition of obtaining a license, to develop a protocol to ensure that requests for reasonable accommodation/modification are processed in a timely and appropriate manner.

Response:

Thank you for your comments. The regulation reads, “...the licensee shall make necessary specific provisions...” the regulation is clear and protective and will not be amended.

Section 86087(d)

Comment:

Oral testimony was presented at the November 12, 2003, public hearing by an unidentified individual who commented that they wanted a definition of weapons. The testifier explained that in the rural area they live in youths “may have archery equipment or hunting knives or fishing knives or whatever.” So more definition on what “weapons” refers to is needed.

Response:

Thank you for your comments. The regulation is clear and protective of the health and safety of foster care youth and will not be amended.

Section 86087(e)

Comment:

Oral testimony was presented at the November 12, 2003, public hearing by Ms. LeDonna Toliver. She indicated that, “...in relationship to storing cleaning products and bleach and things like that, and I just wanted to make a testimony that I thought that basic cleaning supplies should

not be in a secure storage area.” “...It made a notation about making sure that they were in some area of the unit, so just that the participants do have free access to having those in the common area of the unit, usually the kitchen or the garage, and that those not be a regulation that are adopted to prevent them from having access to that, because the goal was that they would know how they independently handle those materials.”

Response:

Thank you for your comments. The cleaning products are not required to be in a secure area unless there are THPP participant’s children residing there or it is required by the Need and Services Plan.

Section 86088(a)(1)

Comment:

Ms Back of CAI commented that it seems completely inadequate and inappropriate to have a requirement of only one working toilet, sink, and tub or shower for each THPP living unit, including staff at that unit since Section 86036 indicate that the capacity at a licensed facility can exceed 50 participants. Ms. Back indicated that a more appropriate limit should be based upon a ration of individuals residing at the facility compared to the number of bathrooms required, in addition to specific needs of the individual participants at each facility.

Response:

Thank you for your comments. The requirement is for each unit, not each facility. Please see respective definitions for clarification.

d) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

e) Statement of Alternatives Considered

CDSS has determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

f) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

g) Statement of Alternatives Considered

CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective or less burdensome to affected private persons than the proposed action.

h) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

i) 15-Day Renotice Statement

A 15-day renotice was mailed on July 26, 2004 for the July 27, 2004 to August 10, 2004, 15-day public comment period. No testimony was received as a result of the 15-day renotice and no further changes have been made to the regulations.